

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BRENDA TAYLOR, individually and as)
Executor of the Estate of CHE) No. _____
TAYLOR and JOYCE DORSEY)
Plaintiff,) COMPLAINT FOR DAMAGES UNDER 42
v.) U.S.C. § 1983
CITY OF SEATTLE, MICHAEL)
SPAULDING, SCOTT MILLER, TIMOTHY)
BARNES AND AUDI ACUESTA)
Defendants.)

I. NATURE OF ACTION

1.1 Introduction. This is a civil rights action brought by
Plaintiff pursuant to 42 U.S.C. Sec. 1983 and the Fourth and
Fourteenth Amendments against the Defendants and their marital
community. This case arises from claims of assault, excessive

COMPLAINT FOR DAMAGES

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1 force, false arrest, unlawful seizure, tort of outrage,
2 negligence and violation of RCW 49.60.

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5 **II. PARTIES**
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8 2.1 Plaintiff BRENDA TAYLOR is the executor of the estate of Che
9 Taylor and at all times relevant was Che Taylor's wife.

10 Brenda Taylor is a resident of King County, Washington.

11 2.2 JOYCE DORSEY is Che Taylor's mother and currently resides
12 in the state of Texas.

13 2.3 Defendants Michael Spaulding. At all times relevant Michael
14 Spaulding was employed as law enforcement by the Seattle
15 Police Department and was acting within the course and scope
16 of his employment with the City of Seattle and under color
17 of law. All of Tre Smith acts alleged herein was taken for
18 the benefit for the City of Seattle and his marital
19 community.

20 2.4 Defendant Scott Miller. At all times relevant Scott Miller
21 was employed as law enforcement by the Seattle Police
22 Department and was acting within the course and scope of
23 their employment with the City of Seattle and under color of
24 law. All of Scott Miller acts alleged herein were taken for
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1 the benefit of the City of Seattle and his marital
2 community.

3 2.5 Defendant City of Seattle. Defendant City of Seattle (City)
4 is a municipality within the State of Washington and
5 employed the police officer that responded to the February
6 21, 2016 incident involving Che Taylor. The civil rights
7 violations delineated herein were proximately caused by its
8 customs, policies and usages.

9 2.6 Unknown Seattle Police Officers. At all times relevant,
10 the unknown police officers were employed as law enforcement
11 by the Seattle Police Department and were acting within the
12 course and scope of their employment with the City of
13 Seattle and under color of law.

14 2.7 Timothy Barnes: At all times relevant Timothy Barnes was
15 employed as law enforcement by the Seattle Police Department
16 and was acting within the course and scope of their
17 employment with the City of Seattle and under color of law.
18 All of Timothy Barnes acts alleged herein were taken for the
19 benefit of the City of Seattle and his marital community.

20 2.8 Audi Acuesta: At all times relevant Audi Acuesta was
21 employed as law enforcement by the Seattle Police Department
22 and was acting within the course and scope of their
23 employment with the City of Seattle and under color of law.
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1 All of Audi Acuesta acts alleged herein were taken for the
2 benefit of the City of Seattle and his marital community.
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5 **III. JURISDICTION AND VENUE**
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7 3.1 Jurisdiction. Jurisdiction in this Court is based on the
8 existence of a federal question pursuant to 28 U.S.C. §§ 1331
9 and 1343, in that Plaintiff assert claims for deprivation of
10 civil rights under 42 U.S.C. § 1983 for violation of the Fourth
11 Amendments to the United States Constitution.

12 3.2 Venue. Venue for this action is appropriate in this Court
13 because the events giving rise to the claims asserted herein
14 occurred in the Seattle Division of this district and because
15 the plaintiff and defendants reside in this district.
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17 **IV. FACTS**
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19 4.1 On February 21, 2016 at approximately 4:15 p.m. Che Taylor
20 was shot by multiple Seattle Police Officers. Che Taylor was
21 an African American Male.

22 4.2 Che Taylor died as a result of the multiple gunshot wounds
23 that he received from the February 21, 2016 shooting.
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1 4.3 Prior to the shooting, Che Taylor was standing in the
2 doorframe of a white motor vehicle talking to people inside
3 the vehicle.

4 4.4 Officers Michael Spaulding and Scott Miller were observing
5 Che Taylor in an undercover capacity prior to the shooting.
6 Officer Spaulding and Officer Miller were watching Che
7 Taylor from an undercover vehicle.

8 4.5 Based upon their perceived observations, Officer's Spaulding
9 and Miller chose to approach and attempt to arrest Che
10 Taylor.

11 4.6 Officer's Spaulding and Miller chose to approach Che Taylor
12 with long rifles because of the stopping power of these
13 particular firearms.

14 4.7 Officer's Spaulding and Miller were wearing black tactical
15 jackets at the time that they chose to approach and attempt
16 to arrest Che Taylor.

17 4.8 At the time that Officer's Spaulding and Miller began to
18 approach Che Taylor, a marked Seattle Police Vehicle began
19 to approach the scene.

20 4.9 officer's Barnes and Acuesta were in the Seattle Police
21 Vehicle that was approaching the scene.

22 4.10 The Seattle Police Vehicle that Officer Barnes and Officer
23 Acuesata were in captured the audio and video of the
24 incident that forms the basis for this case.

1 4.11 In the video, Officer Michael Spaulding and Scott Miller can
2 be seen quickly approaching the Vehicle that Che Taylor was
3 standing in with their guns drawn.

4 4.12 In the audio recording, Multiple officers can be heard
5 simultaneously giving Che Taylor conflicting commands.

6 4.13 Some officers can be heard yelling at Che Taylor to put his
7 hands up while other officers can be heard yelling at Mr.
8 Taylor to get on the ground.

9 4.14 The police officer commands to Mr. Taylor were being yelled
10 at Che Taylor from multiple directions.

11 4.15 Che Taylor taylor can be seen on the video attempting to
12 comply with the simultaneous and conflicting commands of the
13 officers.

14 4.16 Che Taylor first puts his hands in the air and then attempts
15 to go to the ground as instructed by officers.

16 4.17 Che Taylor was shot by Officer Spaulding and Officer Miller
17 within seconds of their approach of Mr. Taylor.

18 4.18 After shooting Mr. Taylor, officers rolled his body over and
19 handcuffed him.

20 4.19 Critical minutes lapsed between the time in which Che Taylor
21 was shot and the time that officers allowed Medical
22 Emergency Personnel to render aid.

1 4.20 Shortly after Che Taylor was shot, Seattle Police Officers
2 began to turn their attention to the other individuals in
3 the vehicle that Mr. Taylor had been standing by.

4 4.21 Seattle Police Officers commanded the remaining individuals
5 in the car to get out of it.

6 4.22 The passenger in the backseat of the vehicle that Mr. Taylor
7 was standing by had difficulty following police commands.
8 The passenger in the back seat is a white female. First, the
9 police instructed her to exit the vehicle out of the back
10 door that is on the driver side. Rather than going to the
11 driver side back door, she lunged toward the passenger side
12 door. The backseat passenger also failed to comply with
13 officer commands when she initially got out of the vehicle.
14 Officers did not shoot her for her.

15 4.23 The driver of the white vehicle was a white male. Officers
16 paid little to no attention to his actions or movements at
17 the time that they approached Mr. Taylor.

18 4.24 Mr. Taylor was ultimately shot and killed while attempting
19 to comply with conflict officer commands.

20 4.25 As a result of the actions of the police officers in this
21 incident, Che Taylor was denied due process of law.
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V. CAUSES OF ACTION

5.1 First Cause of Action. By virtue of the facts set forth above, defendants are liable to the all plaintiffs for damages for negligence.

5.2 Second Cause of Action. By virtue of the facts set forth above, the Defendants are liable to all plaintiffs for the tort of outrage.

5.3 Third Cause of Action. By virtue of the facts set forth above, the Defendants are liable to the plaintiff for false arrest.

5.4 Fourth Cause of Action. By virtue of the facts set forth above, the Defendants are liable to the plaintiff for unlawful seizure.

5.6 Sixth Cause of Action. By virtue of the facts set forth above, the Defendants are liable to the plaintiff for Negligence.

5.7 Seventh Cause of Action. Per R.C.W 49.60.030 The Defendants are liable to the plaintiff for violation of the plaintiff's civil rights to the right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a

1 trained dog guide or service animal by a person with a
2 disability is recognized as and declared to be a civil rights.

3 5.8 42 U.S.C. §1983: By virtue of the facts set forth above, all
4 defendants are liable for compensatory and punitive damages for
5 deprivation of civil rights of plaintiff Joyce Dorsey,
6 guaranteed by the Fourteenth Amendments of the constitution of
7 the United States and 42 U.S.C. §1983, to be free from their
8 liberty interest in a familial relationship with her son, Che
9 Taylor, without due process of law.

10 5.9 42 U.S.C. §1983: By virtue of the facts set forth above, all
11 defendants are liable for compensatory and punitive damages for
12 deprivation of civil rights of plaintiff Brenda Taylor,
13 guaranteed by the Fourteenth Amendments of the constitution of
14 the United States and 42 U.S.C. §1983, to be free from their
15 liberty interest in a familial relationship with her son, Che
16 Taylor, without due process of law.

17 5.10 42 U.S.C. §1983: By virtue of the facts set forth above, all
18 defendants are liable for compensatory and punitive damages for
19 deprivation of civil rights of plaintiff Estate of Che Taylor
20 (his Children), guaranteed by the Fourteenth Amendments of the
21 constitution of the United States and 42 U.S.C. §1983, to be
22 free from their liberty interest in a familial relationship
23 with their father, Che Taylor, without due process of law.
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5.11 42 U.S.C. §1983: By virtue of the facts set forth above, all defendants are liable for compensatory and punitive damages for deprivation of civil rights of plaintiff Estate of Che Taylor, guaranteed by the Fourteenth Amendments of the constitution of the United States and 42 U.S.C. §1983, to be free from their liberty interest in a familial relationship with their family member, Che Taylor, without due process of law.

WHEREFORE, Plaintiff pray for the following relief:

1. Compensatory Damages and punitive damages in an amount to be proven at trial. Plaintiff seeks punitive damages against all defendants;
2. For reasonable attorney's fees and costs; and
3. For such other and further relief as the Court deems just and equitable.

1 Dated this 20th day of February 2018,

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4 James Bible, WSBA # 33985
5 Attorney for Plaintiff

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7 /s/Shakespear Feyissa
8 Shakespear Feyissa, WSBA #33747
9 Attorney for the Plaintiff

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